

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| James E. Damron, <i>et al.</i> , | : | |
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| Plaintiffs, | : | Civil Action 2:09-cv-50 |
| | : | |
| v. | : | Judge Marbley |
| | : | |
| Gary Sims, <i>et al.</i> , | : | Magistrate Judge Abel |
| | : | |
| Defendant. | : | |

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 20, 2010, the Magistrate Judge issued a Report and Recommendation (Doc. 261) recommending that Plaintiffs' Motion for Partial Summary Judgment (Doc. 189) be denied. Plaintiffs are a group of prisoners who claim that they have been denied various religious accommodations which they require as adherents of the Christian Separatist faith. The Court has previously denied two of Plaintiffs' other motions for partial summary judgment (Docs. 141, 279), each time on grounds that the motion failed to explain Plaintiffs' claims in enough detail to present a controversy which the Court could resolve. The Magistrate Judge recommended that the most recent motion for partial summary judgment be denied for the same reason.

In response to this Report and Recommendations, Plaintiffs filed a Motion in Objection to and Reconsideration of Report and Recommendation (Doc. 269). This

took the form of a new motion for summary judgment, articulated reasons why the Plaintiffs claimed they had been unlawfully denied religious accommodations, and was accompanied by several exhibits. The Court finds that this is a motion for summary judgment for purposes of Fed. R. Civ. P. 56. Accordingly, the Magistrate Judge's Report and Recommendation on the prior motion (Doc. 261) is **ADOPTED**, and the objections thereto will be deemed a separate motion. Plaintiffs' prior motion for partial summary judgment (Doc. 189) is **DENIED**.

Defendant is **ORDERED** to file any opposition to Plaintiffs' motion on or **Friday, January 21, 2011**. If and when Defendant files a memorandum contra Plaintiffs' motion, Plaintiffs shall have the time prescribed by rule to file a reply in support of their motion.

It is further **ORDERED** that, if any party should wish to file any other case-dispositive motions in this action, he must do so on or before **Monday, January 31, 2011**.

s/Algenon L. Marbley
United States District Judge